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Aktenzeichen / Case Number / N^o du recours : T 204/89

Anmeldenummer / Filing No / N^o de la demande : 80 301 626.0

Veröffentlichungs-Nr. / Publication No / N^o de la publication :

Bezeichnung der Erfindung: Method and apparatus of making welded
Title of invention: metallic can bodies
Titre de l'invention :

Klassifikation / Classification / Classement :

ENTSCHEIDUNG / DECISION

vom / of / du 7 December 1990

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

TOYO SEIKAN KAISHA LIMITED

Einsprechender / Opponent / Opposant :

SOUDRONIC AG

Stichwort / Headword / Référence :

EPO / EPC / CBE Article 111(1)

Schlagwort / Keyword / Mot clé :

"Revocation of European patent on request
of proprietor"

Leitsatz / Headnote / Sommaire



Case Number : T 204 /89

D E C I S I O N
of the Technical Board of Appeal
of 7 December 1990

Appellant :
(Opponent)

Soudronic AG
Postfach 11
CH-8962 Bergdietikon

Representative :

Wuesthoff, Franz, Dr.-Ing., Patentanwälte Wuesthoff
v. Pechmann-Behrens-Goetz-v. Hellfeld
Schweigerstr. 2
D-8000 München 90 (DE)

Respondent :
(Proprietor of the patent)

Toyo Seikan Kaisha Limited
31, Uchi saiwai-cho 1-chome Chiyoda-Ku
Tokyo (JP)

Representative :

Lewin, J.H. et al, ELKINGTON and FIFE
Beacon House, 113 Kingsway
London WC2B 6PP (GB)

Decision under appeal :

Decision of Opposition Division of the European
Patent Office dated 19 January 1989 rejecting
the opposition filed against European patent
No. 0 023 752 pursuant to Article 102(2) EPC.

Composition of the Board :

Chairman : G. Szabo
Members : L.C. Mancini
J. du Pouget de Nadaillac

Summary of Facts and Submissions

- I. In a decision dated 19 January 1989 the Opposition Division rejected the Opposition filed against European patent No. 0 023 752 granted upon the subject-matter of European patent application No. 80 301 626.0
- II. The Appellant (Opponent) appealed against the decision and filed a Statement of Grounds in which he requested that the patent be revoked.
- III. In a letter dated of 01 November 1990, the representative of the Appellant stated "... we hereby formally request revocation of the patent".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The patentee has made it clear through his representative that he wishes his patent to be revoked. The Board can therefore in the exercise of its power under Article 111(1) EPC decide to revoke the European patent (see Decision T 237/86, OJ EPO 1988, 261).

Order

For these reasons, it is decided that:

The decision of the Opposition Division dated 19 January 1989 is set aside and European patent No. 0 023 752 is revoked.

The Registrar:



S. Fabiani

The Chairman:



G. Szabo

